

IN RE: PETITIONS FOR SPECIAL
EXCEPTION & ZONING VARIANCE
NW/4 Pulaski Highway, 406' *
S c/1 Ebenezer Rd. *
(10728 Pulaski Hwy.) *
11th Election District *
5th Councilmanic District *
CASE #89-236

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Herbert Goldman, Legal Owner*
Earl J. Hale, Contract
Purchaser, Petitioners *

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

The Petitioner herein requests a Special Exception to approve a food mart use in combination with existing service station and, a variance from Section 238.2 and 405.408 to allow a 5 ft. side/rear setback in lieu of the required 30 feet and, to allow a use in combination (service station and food store) with an area of 16,320 sq. ft. in lieu of the required 16,500 sq. ft., as more particularly described on Petitioner's Exhibit 1.

The Petitioners were represented by J. Neil Lanzi, Esquire, who appeared and testified. The Petitioners were supported in their testimony by Mr. Todd V. Shure, Mr. Michael F. Kolasinski and Mr. James W. Kozak who also testified. There were no Protestants.

The evidence and testimony tend to indicate that the subject property consists of approximately .9358 acres of ground on the north side of Pulaski Highway, U.S. Route 40 East, approximately 350 feet west of Ebenezer Road. The property is subject to split zoning as indicated on Petitioner's Exhibit 1. The currently improved portion of the property is zoned B.R.-CS 1. The rear third of the property is zoned M.L.-CS 1. The property is currently improved with an existing service station which exist as a result of a previous zoning case

#28-68RS. This particular previous zoning matter changed the underline zoning from "A" residential to "E" commercial zoning and also granted a special exception to permit the service station operation on or about February 5, 1954. The property was improved with a service station and service bays. There were also four (4) sets of pumps to dispense gasoline products to the general public. The station has operated continuously since late 1955 as a 24 hour 7 day a week service station operation. The operation enjoys a substantial auto repair and service business in conjunction with the gasoline service operation.

The general area is improved with several other gasoline service operations either gasoline service stations or the more current gasoline service stations in combination with food marts. The current operation enjoys a large enough site to accommodate more parking than is required by the current regulations and is currently in compliance with all zoning regulations.

The Petitioner proposes to add a food service area to the existing service station building and enlarge the currently existing service station building by a mere 140 square feet to provide for a total food store area of approximately 330 square feet. This food operation, in conjunction with the service station operation requires the requested special exception. The requested variances are generated by the nearness of the rear wall of the existing service garage to the western most property line. The property to the west of the subject site is currently undeveloped and is zoned M.L.-CS 1.

It is clear that the B.C.Z.R. permits the use proposed in a B.R. zone by special exception. It is equally clear that the proposed use

would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A2d 1319 (1981).

The proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted, with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

The Petitioner has requested a variance from the area requirements, specifically, 16,320 sq. ft. in lieu of the required 16,500 sq. ft. under the B.C.Z.R. This requested variance is in error. The property meets the area requirements and the request will be dismissed as unnecessary.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the remaining variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition,

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-236-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for A food mart use in combination with existing service station.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
Earl J. Hale - Shell Oil Company
(Type or Print Name)
Signature
Two Penn's Way - Suite 401
Address
New Castle, DE 19720
City and State
Attorney for Petitioner:
J. Neil Lanzi
(Type or Print Name)
Signature
25 W. Chesapeake Avenue
Address
TOWSON, Maryland 21204
City and State
Attorney's Telephone No.: 321-8200
Address
Phone No.

Legal Owner(s):
Herbert Goldman
(Type or Print Name)
Signature
(Type or Print Name)
Signature
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.

MAP 28-2
46
E. D. 11 A
DATE 12-2-79
202
1003
DP
PC 2848

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of Oct, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 16th day of Dec, 1989, at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1

(over)

the remaining variances requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing held, and it appearing that by reason of the requirements of Sections 502.1 and 307.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception and variance should be granted with the exception of the area variance which shall be dismissed.

THEREFORE, IT IS ORDERED, this 5th day of January, 1989, by the Zoning Commissioner of Baltimore County to approve a food mart use in combination with existing service station and, a variance from Section 238.2 and 405.408 to allow a 5 ft. side/rear setback in lieu of the required 30 feet, as more particularly described in Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Pursuant to Section 502.3 of the B.C.Z.R., this Special Exception may be utilized within 5 years of the date of this final Order.
3. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

4. The Petitioner shall provide a landscape plan to the Office of Current Planning for approval by the Baltimore County Landscape Planner and said landscape plan shall then be submitted to the Zoning Commissioner for approval. The approved landscape plan shall become a permanent part of the record and file in this matter.

IT IS FURTHER ORDERED that the Petition for Zoning Variance for an area of 16,320 sq. ft., in lieu of the required 16,500 sq. ft. be and is hereby DISMISSED.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER OF
BALTIMORE COUNTY

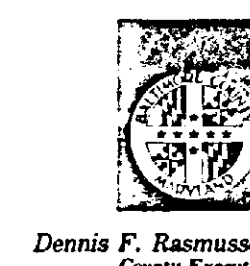
JRH:mmm
cc: Peoples Counsel
J. Neil Lanzi, 25 W. Chesapeake Avenue, Towson, Md. 21204
Mr. Todd V. Shure, Two Penns Way, Suite 401, Wilmington, DE 19720
Mr. Michael F. Kolasinski, 42 Chesthill Court, Balto. Md. 21236
Mr. James W. Kozak, Suite 302, 3 Gurteen Ct., Timonium, Md. 21093

ORDER RECEIVED FOR FILING
Date 1/1/89
By M. H. Haines

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

January 3, 1989



Dennis F. Rasmussen
County Executive

J. Neil Lanzi, Esquire
25 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petitions for Special Exception and Zoning Variance
Case #88-236XA
Herbert Goldman, Legal Owner, Earl J. Hale, Contract
Purchaser, Petitioners

Dear Mr. Lanzi:

Enclosed please find the decision rendered in the above captioned case. The Petition has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:mmm

cc: Peoples Counsel
Mr. Todd V. Shure, Two Penns Way, Suite 401, Wilmington, DE 19720
Mr. Michael F. Kolasinski, 42 Chesthill Court, Balto. Md. 21236
Mr. James W. Kozak, Suite 302, 3 Gurteen Ct., Timonium, Md. 21093

-5-

-6-

-3-

From #58
 NCE
 89-236-XA

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, are to pay expenses of above variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/we do solemnly declare and affirm,
under the penalties of perjury, that I/we
are the legal owner(s) of the property
which is the subject of this Petition.

<p>Contract Purchaser:</p> <p><u>Earl J. Hale - Shell Oil Company</u></p> <p>(Type or Print Name)</p> <p>_____</p> <p>Signature _____</p> <p><u>Two Penn's Way - Suite 401</u></p> <p>Address _____</p> <p><u>New Castle, DE 19720</u></p> <p>City and State _____</p> <p>Affirmant for Petitioner:</p> <p><u>J. Neil Lanzi</u></p> <p>(Type or Print Name)</p> <p>_____ Signature _____</p> <p><u>25 W. Chesapeake Avenue</u></p> <p>Address _____</p> <p><u>Towson Maryland 21204</u></p> <p>City and State _____</p> <p>Affirmant's Telephone No: <u>321-8200</u></p>	<p>Legal Owner(s):</p> <p><u>HERBERT GOLDMAN</u></p> <p>(Type or Print Name)</p> <p><u>[Handwritten Signature]</u></p> <p>Signature _____</p> <p>_____</p> <p>Address _____</p> <p>City and State _____</p> <p>Name, address and phone number of legal owner, contract purchaser or representative to be contacted</p> <p>_____ Name _____</p> <p>_____ Address _____ Phone No. _____</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

(over)

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

No. **059753**

DATE **12/16/82** ACCOUNT **01-1-15**

RECEIVED FROM: **2010-1-15-15-15-15**

AMOUNT \$ **115.07**

FOR: **FOR: 411-15-15-15-15**

B 0017*****1150710 0161

SIGNATURE OF CASHIER

DATE-CHECKED: _____ FPM-AGENCY: _____ YELLOW-CUSTOMER: _____

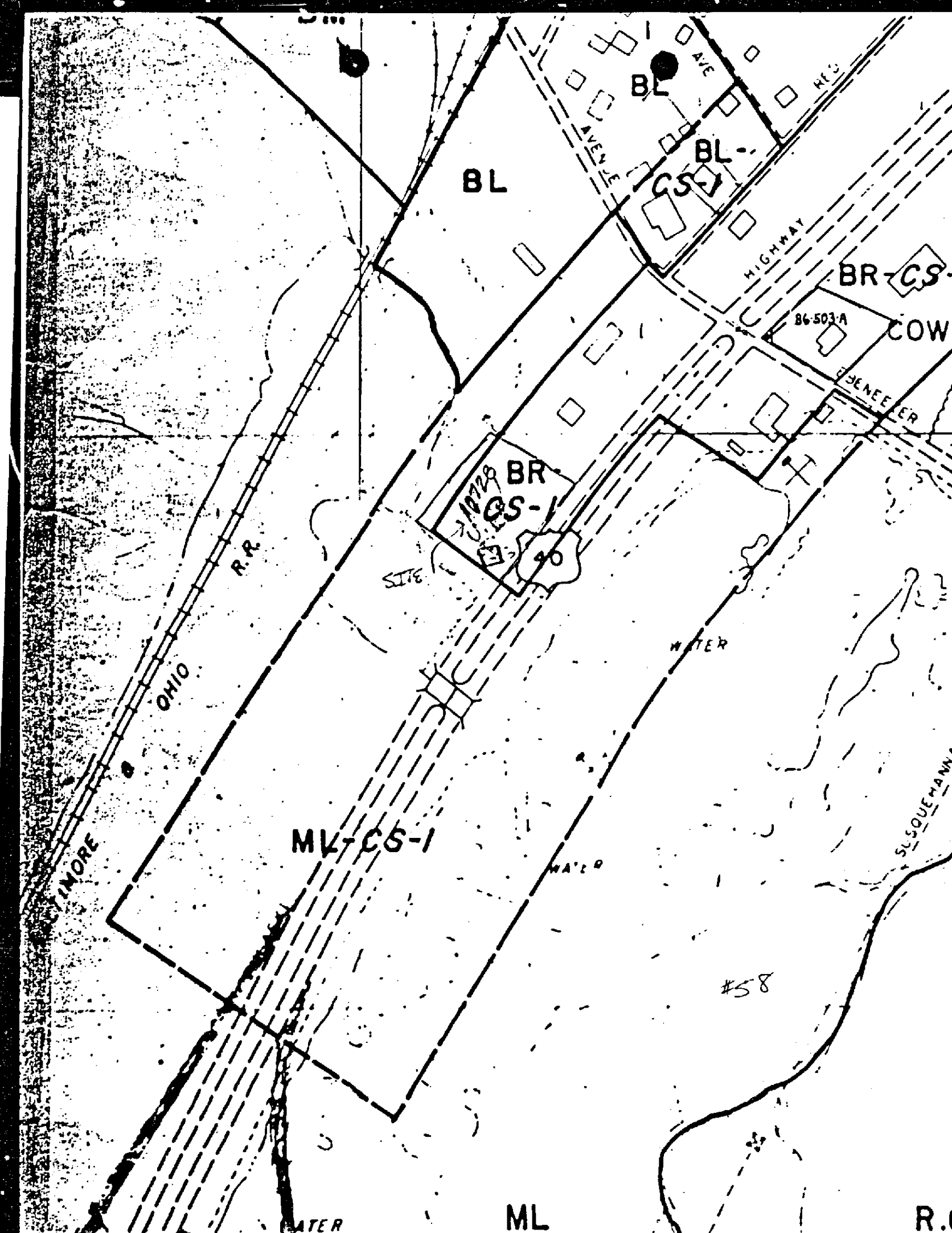
DCL

**PETITIONER'S
EXHIBIT 3**

Microfilm
Front Page Only

*NOTE:
IF PHASE II OF
EMERGENCY PLAN IS
IN BALTIMORE
8:30 a.m. ON TH
THE ABOVE HEAR
HEARING WILL BE
AND TENTATIVELY
ED FOR THURSDAY
12, 1989. PLE
PHONE DOCKET
887-3391 TO CONFIR

STV ENGINEERS, Architects Engineers Planners Interior Designers. Professional Member Firms: STV/Michael Lynn & Associates
STV/M.D. Nottingham STV/Sanders & Thomas STV/Seelye Stevenson Value & Knecht



Peter Max Zimmerman
Peter Max Zimmerman

Herbert Goldman/L.O.
Petitioner Shell Oil Co./C.P.
Petitioner's Attorney J. Neil Lenzi

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received by: James E. Dyer
Chairman, Zoning Plan
Advisory Committee

Baltimore County
Fire Department
Towson, Maryland 21204-2386
494-4500

Paul H. Reincke
Chief

December 2, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Contractor Purchaser - Shell Oil Company
Legal Owner - Herbert Goldman
Location: N/S Pulaski Hwy., 406' S. of c/l Ebenezer Road
10728 Pulaski Hwy.
Item No.: 58 Zoning Agenda: Meeting of 10/25/88

Dennis F. Rasmussen
County Executive

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* NOTED & APPROVED: *[Signature]*
Planning Group Fire Prevention Bureau
Special Inspection Division

/j1

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 58, Zoning Advisory Committee Meeting of October 25, 1988
Property Owner: Shell Oil Company
Location: 10728 Pulaski Highway District 11
Water Supply metro Sewage Disposal private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
 - () Prior to new installation of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation before work begins.
 - () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
 - () A permit to construct from the Bureau of Air Quality Management is required for any chabodiler operation which has a total cooking surface area of five (5) square feet or more.
 - () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
 - () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
 - () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
 - () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
 - () Prior to testing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
 - () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled.
 - () Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
 - (X) Soil percolation tests, have been ✓ conducted.
() The results are valid until _____
() Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
 - () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
 - () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until _____ This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
 - () Prior to occupancy approval, the possibility of the water supply must be verified by collection of bacteriological and chemical water samples.
 - () If substitution of place to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- Others Soil evaluations will be required prior to approval of building and/or food service facility permits.
Wet weather testing may be required.

Karen M. Murray

BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 6, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

MEMBERS
Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

RE: Item No. 58; Case No. 89-236-XA
Petitioner: Legal Owner - Herbert Goldman
Contract Purchaser - Shell Oil Co.
Petition for Zoning Variance & Special Except.

Dear Mr. Lanz:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:scj

Enclosures



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

November 4, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attn: Mr. J. Dyer

Re: Baltimore County
Shell Oil Company
Zoning Meeting
of 10-25-88
N/S Pulaski Highway
Route 40-E, 406' West
of the Centerline of
Ebenezer Road
(Item #58)

Dear Mr. Haines:

After reviewing the submittal for a special exception for a food mart use in combination with existing service station, we find the plan acceptable.

If you have any questions, please contact Larry Brocato of this office.

Very truly yours,

[Signature]
Creston J. Mills, Jr., Chief
Bureau of Engineering
Access Permits

LB:maw

cc: STV/Lyon Assoc.
Mr. J. Ogle

My telephone number is (301) 333-1350

Telephone for Impaired Hearing or Speech
303-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5662 Nationwide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3354

October 28, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 440, 58, 102, 128, 144, 145, 147, 150, 151, 153, 154, 155, 156, and 157.

Very truly yours,

[Signature]
Michael S. Flanagan
Engineering Associate

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
TO: Zoning Commissioner
Pat Keller, Deputy Director
FROM: Office of Planning and Zoning
Shell Oil Company
SUBJECT: Zoning Petition No. 89-236-XA
Date: December 6, 1988

PK/sf

SEILAND AND JEDNORSKI, P. A.
ATTORNEYS AT LAW

CHARLES A. JEDNORSKI
DONALD M. BARRICK
J. MICHAEL RECHER
J. NEIL LANZI
DANIEL J. BARTOLINI

SUITE 204
25 WEST CHESAPEAKE AVENUE
POST OFFICE BOX 5404
TOWSON, MARYLAND 21204
301 321 8200

JOHN O. SEILAND
OF COUNSEL

October 7, 1988

Mr. John Sullivan
Baltimore County Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Re: Item Number 58
10728 Pulaski Highway (Pulaski at Ebenezer)

Dear Mr. Sullivan:

On August 11, 1988, Todd Suhre from Shell Oil and myself met with you for the filing of a Special Exception and Variance Petition. At that time it was determined that our site plans were incomplete, however the filing fee was paid and you requested that we send you the proper site plans and other documents necessary for scheduling a hearing. Accordingly, I have enclosed the following for your file:

1. Ten sealed site plans
2. Three Petitions for Special Exception
3. Three Petitions for zoning variance
4. Three copies of zoning descriptions (I believe you have the descriptions in your file).
5. Ten copies of a two hundred scale zoning map.

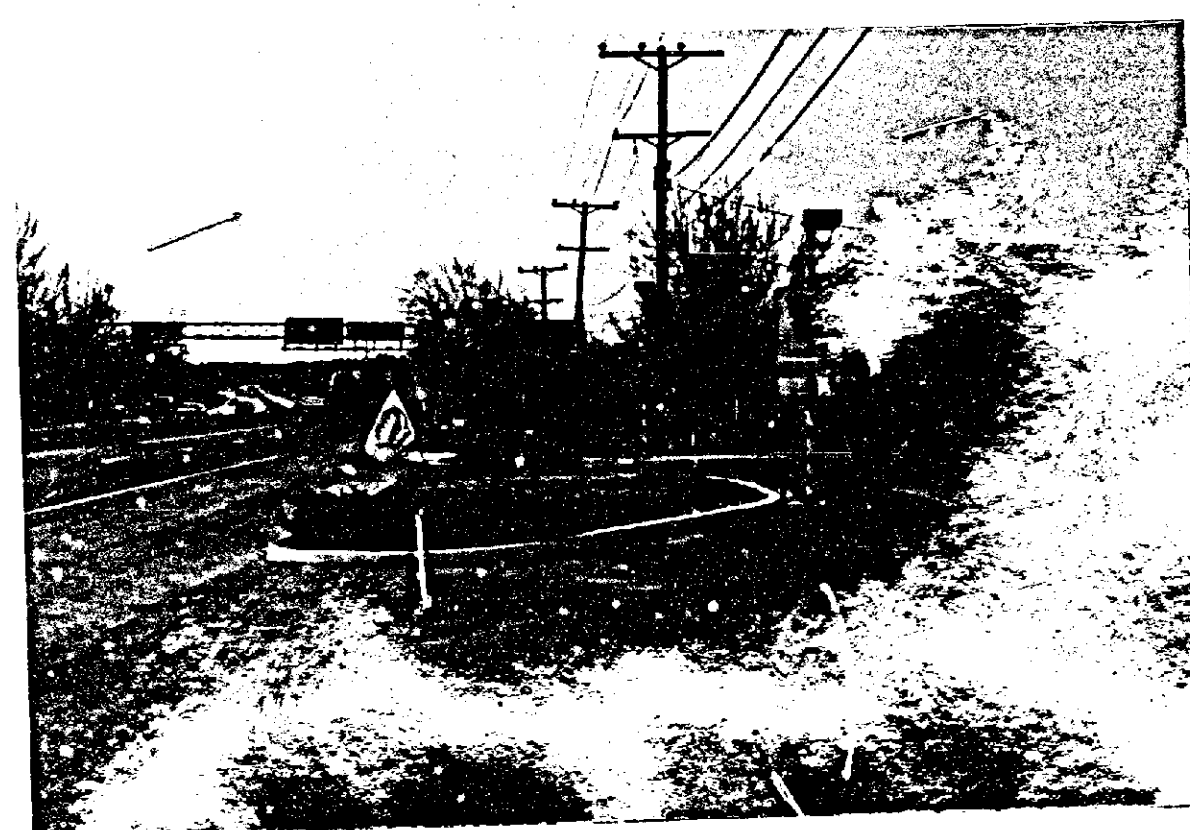
Would you kindly schedule a hearing date at your earliest possible convenience. If there is anything else that you require from us, please do not hesitate to contact me. Thank you for your cooperation in this matter.

Very truly yours,

[Signature]
J. Neil Lanzi

JNL:sb
Enclosure

PETITIONER(S) EXHIBIT (2)



89-236XA

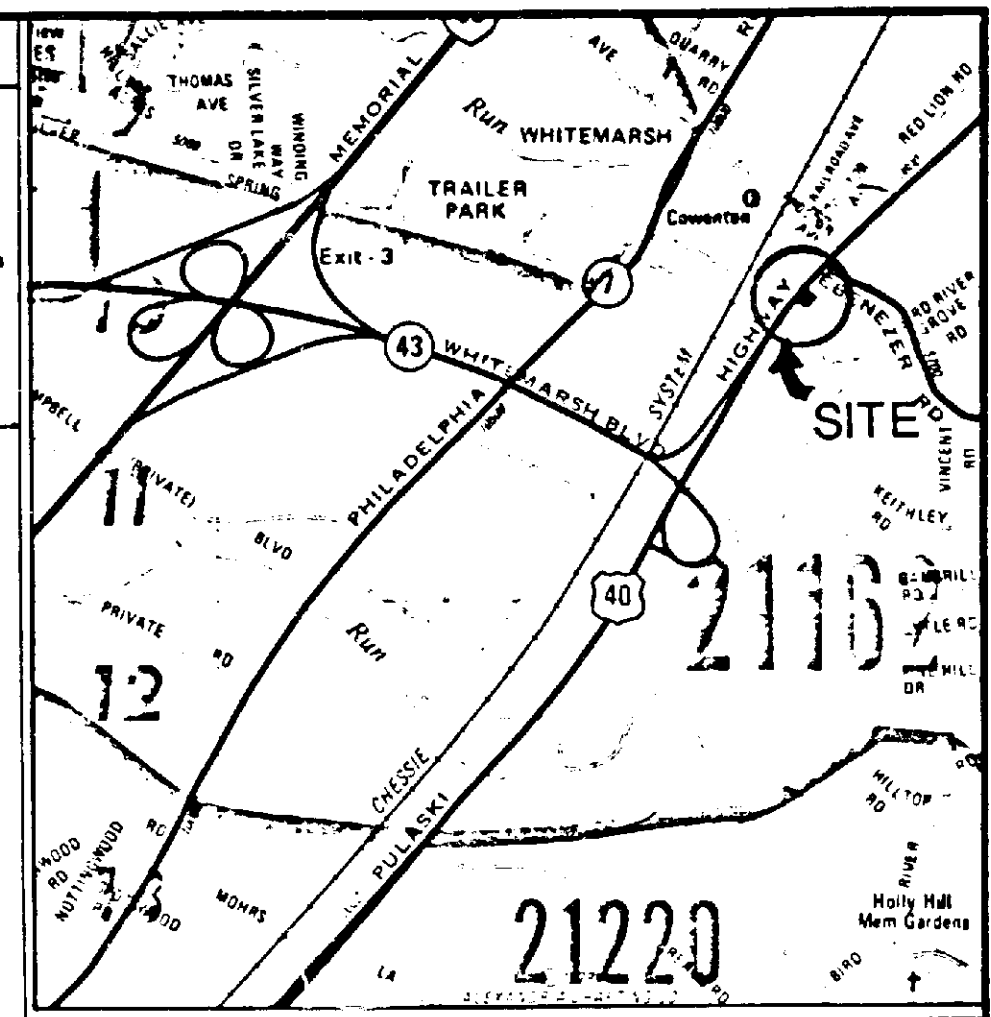
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
TODD V. SUHRE (SHELL ENGINEER)	TWO PENNS WAY SUITE 901 WILMINGTON, DE. 19720
Michael F. Kolawinski	42 Chesthill Ct. Balt MD 21236
JAMES W. KOZAK (ARCATA)	#302, 3 Gunter Ct. Towson, MD 21093

PETITIONER(S) EXHIBIT (4)





PREVIOUS ZONING CASE # 28-68 RS CHANGED ZONING FROM "A" RESIDENCE ZONE TO "E" COMMERCIAL ZONE PLUS GRANTED A SPECIAL EXCEPTION TO PERMIT THE USE OF SAID PROPERTY AS A GASOLINE SERVICE STATION ON FEBRUARY 5, 1954.

1. BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON DEEDS OF RECORD.

2. OWNER OF PROPERTY: ALLAN B. GOLDMAN AND LEE Y. GOLDMAN
LIBER 6646, FOLIO 163
3. AREA: 40.765 S.F. +
OR 0.9358 ACRES AS SHOWN
4. UTILITIES AND OTHER OBSTRUCTIONS AS SHOWN HEREON HAVE BEEN MADE BY ACTUAL FIELD MEASUREMENTS SUPPLEMENTED BY INFORMATION OBTAINED FROM THE VARIOUS AGENCIES INVOLVED. HOWEVER, WE DO NOT GUARANTEE THE ACCURACY OR THE COMPLETENESS OF THE INFORMATION GIVEN. THE CONTRACTOR MUST VERIFY ALL SUCH INFORMATION TO HIS OWN SATISFACTION AND MUST NOTIFY THE UTILITY COMPANIES INVOLVED PRIOR TO COMMENCING WORK.

EXISTING ZONING: BR-CS1 AND ML-CS-1
PROPOSED ZONING: NO CHANGE BUT WE ARE REQUESTING A VARIANCE TO ALLOW A 5' SIDE YARD IN LIEU OF THE REQUIRED 30' AND A SPECIAL EXCEPTION FOR A FOOD STORE AS A USE IN COMBINATION WITH THE EXISTING SERVICE STATION.

- AREA REQUIREMENTS: TWO DISPENSER ISLANDS WITH 3 DUAL DISPENSERS SERVING 4 CARS EACH AT ONE TIME
- | | | |
|------------------------|---|---------------------|
| TOTAL SERVICING SPACES | = | 8 |
| TOTAL SERVICING BAYS | = | 3 |
| TOTAL SPACES AND BAYS | = | 11 |
| TOTAL AREA REQUIRED | = | 11 X 1,500 = 16,500 |
| TOTAL WAITING SPACES | = | 8 |

- o VEHICLE REPAIR SERVICES
- o SALE OF CIGARETTES, CANDY, SOFT DRINKS AND OTHER ITEMS FROM VENDING MACHINES
- o TIRE SALES AND INSTALLATIONS
- o SALE OF SMALL AUTO PARTS AND ACCESSORIES
- o MINOR ACCESSORY USES

- COMBINATION USES: FOOD STORE WITH LESS THAN 5,000 S.F.
190 S.F. WITHIN EXISTING BUILDING
140 S.F. BUILDING ADDED
330 S.F. TOTAL S.F. FOR FOOD STORE

TOTAL AREA OF TRACT = 40,765 S.F. ± OR 0.9358 ACRE ±

NUMBER OF DRIVEWAYS ON MAJOR STREET = 2
REQUIRED SITE WIDTH = $2 \times 65 = 130'$
ACTUAL SITE WIDTH = 200.02
PARKING REQUIRED = 3 SPACES/DAY @ 3 DAYS = 9 SPACES
5 SPACES/1000 SF RETAIL = $5 \times (330 - 1000) = 25 SPACES$
TOTAL = 11 SPACES

AREA DISTURBED BY NEW CONSTRUCTION = 140 S.F. ±

PROPOSED USE: GAS/SERVICE STATION WITH FOOD STORE

**PETITIONER'S
EXHIBIT 1**

PRINTED

OCT 04 1989

ST V/LYON ASSOC.

#58

PLAT TO ACCOMPANY PETITION
FOR

SPECIAL EXCEPTION AND YARD VARIANCE

PLAN PREPARATION

DRAWN BY MJF	DATE 9-16-88
DESIGNED BY MJF / DKW	SCALE 1"=20'
CHECKED BY SHP	

SHELL OIL COMPANY
10728 PULASKI HIGHWAY
WHITE MARSH MARYLAND 21162
ELECTION DISTRICT 11

DRAWING NO.
8138-62

SHEET NO.
1 of 1

STV / LYON ASSOCIATES

Engineers Surveyors Planners

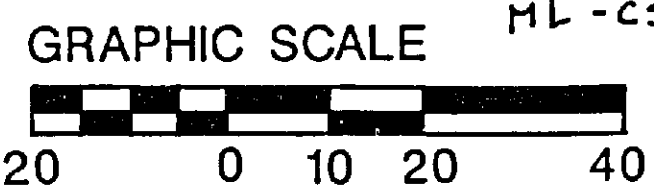
21 Governor's Court Baltimore, Maryland 21207

Telephone : 301-944-9112

REVISIONS

[illegible]

NOTE: THE BEARINGS, DISTANCES, BUILDING LOCATIONS, AS SHOWN HEREON ARE BASED ON A PLAN BY SHELL OIL COMPANY, DATED DECEMBER 31, 1968. THE BOUNDARIES SHOWN HEREON ARE NOT TO BE CONSTRUED AS REPRESENTATION OF A LAND BOUNDARY SURVEY BY STV/LYON ASSOCIATES.



Maud. Riddle